

106TH CONGRESS
2D SESSION

H. R. 3919

To provide assistance for the conservation of coral reefs, to coordinate Federal coral reef conservation activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2000

Mr. SAXTON (for himself, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. BILBRAY, Mrs. CHRISTENSEN, Mr. DEUTSCH, Mr. GILCHREST, Mr. GOSS, Mr. GREENWOOD, Mr. ROMERO-BARCELO, Ms. ROS-LEHTINEN, Mr. SHAW, and Mr. UNDERWOOD) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide assistance for the conservation of coral reefs, to coordinate Federal coral reef conservation activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coral Reef Conserva-
5 tion and Restoration Partnership Act of 2000”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are the following:

1 (1) To preserve, sustain, and restore the health
2 of coral reef ecosystems.

3 (2) To promote the wise management and long-
4 term sustainable use of coral reef ecosystems to ben-
5 efit local communities and the Nation.

6 (3) To promote cooperative coral reef conserva-
7 tion projects that involve affected local communities
8 and nongovernmental organizations.

9 (4) To address conflicts arising from the use of
10 areas near coral reefs or from the use of corals, spe-
11 cies associated with coral reefs, and coral products.

12 (5) To enhance compliance with laws that pro-
13 hibit or regulate the taking of corals, species associ-
14 ated with coral reefs, and coral products or that reg-
15 ulate the use and management of coral reef eco-
16 systems.

17 (6) To develop sound scientific information on
18 the condition of coral reef ecosystems and the
19 threats to such ecosystems.

20 (7) To coordinate activities and programs re-
21 lated to coral reefs that are conducted, funded, or
22 authorized by the Federal Government, including
23 coral reef conservation research, mapping, moni-
24 toring, assessment, and restoration.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) CORAL.—The term “coral” means species
4 of the phylum Cnidaria, including—

5 (A) all species of the orders Antipatharia
6 (black corals), Scleractinia (stony corals),
7 Alcyonacea (soft corals), Gorgonacea (horny
8 corals), Stolonifera (organpipe corals and oth-
9 ers), and Coenothecalia (blue coral), of the class
10 Anthozoa; and

11 (B) all species of the order Hydrocorallina
12 (fire corals and hydrocorals), of the class
13 Hydrozoa.

14 (2) CORAL PRODUCT.—The term “coral prod-
15 uct” means any living or dead specimen, part, or de-
16 rivative, or any product containing a specimen, part,
17 or derivative, of any species referred to in paragraph
18 (1).

19 (3) CORAL REEF.—The term “coral reef”
20 means any reef or shoal comprised primarily of the
21 skeletal material of species of the order Scleractinia
22 (class Anthozoa).

23 (4) CORAL REEF CONSERVATION.—The term
24 “coral reef conservation” means the use of methods,
25 procedures, and policies that are consistent with the
26 strategy published by the Coral Reef Task Force

1 under section 4(b)(1), to restore and protect coral
2 reefs and to conserve and sustain diverse, viable, and
3 self-perpetuating coral reef ecosystems.

4 (5) CORAL REEF ECOSYSTEM.—The term
5 “coral reef ecosystem” means coral and other spe-
6 cies of living organisms associated with coral reefs,
7 and the non-living environmental factors that di-
8 rectly affect coral reefs, that together function as an
9 ecological unit in nature.

10 (6) CORAL REEF TASK FORCE.—The term
11 “Coral Reef Task Force” means such task force es-
12 tablished by section 4(a).

13 (7) EXECUTIVE ORDER 13089.—The term “Ex-
14 ecutive Order 13089” means such Executive Order
15 issued by the President on June 11, 1998, per-
16 taining to coral reef protection.

17 (8) SECRETARY.—The term “Secretary” means
18 the Secretary of Commerce.

19 (9) STATE.—The term “State” means—

20 (A) any State of the United States that
21 contains a coral reef ecosystem within its
22 boundaries;

23 (B) American Samoa, Guam, the Northern
24 Mariana Islands, Puerto Rico, and the Virgin
25 Islands; and

1 (C) any other territory or possession of the
2 United States, or separate sovereign in free as-
3 sociation with the United States, that contains
4 a coral reef ecosystem within its boundaries.

5 **SEC. 4. COORDINATION OF FEDERAL AGENCIES.**

6 (a) CORAL REEF TASK FORCE.—

7 (1) ESTABLISHMENT AND MEMBERSHIP.—

8 There is established the Coral Reef Task Force. The
9 Coral Reef Task Force shall, in consultation with
10 the Governors of the States—

11 (A) coordinate all Federal activities related
12 to coral reefs, and facilitate the resolution of
13 interagency and intergovernmental conflicts as-
14 sociated with the use and conservation of coral
15 reefs;

16 (B) develop and coordinate consistent na-
17 tional policies, strategies, plans, programs,
18 projects, activities, and priorities for the con-
19 servation and protection of United States coral
20 reefs and coral reef ecosystems;

21 (C) develop and coordinate a research pro-
22 gram to identify the major causes and con-
23 sequences of degradation of coral reef eco-
24 systems, improve the understanding of coral
25 reef health and diseases, and identify solutions

1 and procedures to repair and restore coral
2 reefs;

3 (D) develop and promote strategies and ac-
4 tions for the conservation and sustainable use
5 of coral reef resources worldwide, including the
6 sharing of information, collaborative research,
7 and monitoring efforts; and

8 (E) develop and recommend solutions to
9 reduce or eliminate unsustainable fishing prac-
10 tices on coral reefs worldwide.

11 (2) MEMBERS.—The Coral Reef Task Force
12 shall be composed of the following:

13 (A) The Secretary of Commerce, acting
14 through the Administrator of the National Oce-
15 anic and Atmospheric Administration.

16 (B) The Secretary of the Interior.

17 (C) The Administrator of the Environ-
18 mental Protection Agency.

19 (D) The Attorney General.

20 (E) The Secretary of Agriculture.

21 (F) The Secretary of Defense.

22 (G) The Secretary of State.

23 (H) The Secretary of Transportation.

24 (I) The Director of the National Science
25 Foundation.

1 (J) The Administrator of the Agency for
2 International Development.

3 (K) The Administrator of the National
4 Aeronautics and Space Administration.

5 (L) The head of any other Federal agency
6 that the co-chairs of the Coral Reef Task Force
7 jointly designate.

8 (M) The Governor of any State that the
9 co-chairs jointly designate.

10 (3) CO-CHAIRS.—The Secretary of Commerce
11 and the Secretary of the Interior—

12 (A) shall serve as co-chairs of the Coral
13 Reef Task Force; and

14 (B) may each provide administrative sup-
15 port to the Coral Reef Task Force as necessary
16 for it to carry out its duties under this section.

17 (4) PROCEDURES.—(A) The Coral Reef Task
18 Force shall meet at least annually. Meetings of the
19 Coral Reef Task Force and any advisory committees
20 established to assist the Coral Reef Task Force shall
21 be open to the public, and the Coral Reef Task
22 Force shall provide notice of such meetings to the
23 public.

24 (B) The Coral Reef Task Force may—

1 (i) establish advisory committees and work-
2 ing groups as are necessary to assist it in its
3 duties;

4 (ii) select as an advisory committee any en-
5 tity that represents a broad range of private
6 and public interests related to coral reefs; and

7 (iii) consult with local governments and the
8 scientific community on coral reef conservation
9 issues.

10 (5) IMPLEMENTATION.—

11 (A) The members of the Coral Reef Task
12 Force shall ensure that to the maximum extent
13 practicable—

14 (i) the Federal agencies they rep-
15 resent support and implement the policies,
16 strategies, plans, programs, projects, ac-
17 tivities, and priorities for the conservation
18 and protection of coral reefs and coral reef
19 ecosystems developed by the Coral Reef
20 Task Force; and

21 (ii) any actions funded, authorized, or
22 carried out by such agencies will not un-
23 necessarily degrade the condition of such
24 ecosystems.

1 (B) EXCEPTIONS.—The co-chairs of the
2 Coral Reef Task Force may waive the applica-
3 tion of subparagraph (A) to any agency rep-
4 resented by a member of the task force—

5 (i) during time of war or national
6 emergency;

7 (ii) when necessary for reasons of na-
8 tional security, as determined by the Presi-
9 dent;

10 (iii) during an emergency that poses
11 an unacceptable threat to human health or
12 safety or to the marine environment; or

13 (iv) in any case that constitutes a
14 danger to human life or a real threat to
15 vessels, aircraft, oil or gas drilling or pro-
16 duction platforms, or other man-made
17 structures at sea, such as cases of force
18 majeure caused by stress of weather or
19 other act of God.

20 (6) EXECUTIVE ORDER 13089.—The Coral Reef
21 Task Force shall comply with Executive Order
22 13089 to the extent that such order is consistent
23 with this Act. Nothing in this Act is intended to re-
24 quire the duplication of the Coral Reef Task Force
25 established under that Executive Order.

1 (b) ACTION STRATEGY, IMPLEMENTATION REPORT,
2 AND PLAN.—

3 (1) NATIONAL CORAL REEF ACTION STRAT-
4 EGY.—Not later than 180 days after the date of en-
5 actment of this Act, the Coral Reef Task Force shall
6 submit to Congress and publish in the Federal Reg-
7 ister a national coral reef action strategy, consistent
8 with the purposes of this Act, for waters under the
9 jurisdiction of the United States. The Coral Reef
10 Task Force shall periodically review and revise the
11 strategy as necessary.

12 (2) REPORT ON IMPLEMENTATION OF NA-
13 TIONAL CORAL REEF ACTION STRATEGY.—Not later
14 than 3 years after the date that the Coral Reef Task
15 Force publishes the strategy under paragraph (1)
16 and every 2 years thereafter, the task force shall
17 submit to the Congress a report describing all activi-
18 ties undertaken by Federal agencies to implement
19 the national coral reef action strategy, including a
20 description of the funds obligated each fiscal year to
21 advance coral reef conservation.

22 (3) PLAN FOR MAPPING, MONITORING, AND AS-
23 SESSMENT.—(A) Not later than 1 year after the
24 date of enactment of this Act, the Coral Reef Task
25 Force shall submit to the Congress a plan to imple-

1 ment a coordinated United States coral reef map-
2 ping, monitoring, and assessment program, con-
3 sistent with the strategy published under paragraph
4 (1).

5 (B) The plan shall include the following:

6 (i) A description of existing Federal coral
7 reef mapping, monitoring, and assessment pro-
8 grams.

9 (ii) The estimated annual cost to the Fed-
10 eral Government to adequately map, monitor,
11 and assess coral reefs.

12 (iii) A process to establish data quality
13 standards and standardized methods for map-
14 ping, monitoring, and assessing coral reefs.

15 (iv) A plan to compile existing coral reef
16 data and a listing of the geographical areas for
17 which insufficient data exists to adequately as-
18 sess the condition of coral reefs.

19 (v) Proposed interagency agreements need-
20 ed to carry out a national mapping, monitoring,
21 and assessment program, including agreements
22 with non-Federal agencies.

23 (vi) A proposal for a national pilot project
24 to monitor and map coral reefs.

25 (c) CORAL REEF FISHERIES MANAGEMENT.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 and notwithstanding any other provision of law, the
3 Secretary has exclusive authority in the Federal
4 Government for managing the fishery resources (as
5 that term is defined in the Magnuson-Stevens Fish-
6 ery Conservation and Management Act (16 U.S.C.
7 1801 et seq.)) of coral reef ecosystems.

8 (2) DELEGATION.—The Secretary may delegate
9 the authority referred to in paragraph (1) to any
10 other Federal official.

11 (3) REGIONAL COUNCILS.—Nothing in this Act
12 shall affect the authority of the Regional Fishery
13 Management Councils established under the Magnu-
14 son-Stevens Fishery Conservation and Management
15 Act (16 U.S.C. 1801 et seq.).

16 **SEC. 5. CORAL REEF CONSERVATION ASSISTANCE.**

17 (a) IN GENERAL.—The Secretary, subject to the
18 availability of appropriations, shall provide grants to carry
19 out projects that provide for coral reef conservation and
20 are approved by the Secretary in accordance with this sec-
21 tion.

22 (b) ELIGIBLE PROJECT PARTNERS.—The Secretary
23 may accept a coral reef conservation project proposal from
24 any of the following:

1 (1) Any State or local government with jurisdic-
2 tion over coral reefs and whose activities directly or
3 indirectly affect coral.

4 (2) Any educational institution with a dem-
5 onstrated expertise in coral reef conservation.

6 (3) Any nonprofit organization with dem-
7 onstrated expertise in coral reef conservation.

8 (c) ELIGIBLE PROJECTS.—The Secretary may not
9 approve a coral reef conservation project under this sec-
10 tion unless the project is consistent with the coral reef ac-
11 tion strategy established by the Coral Reef Task Force
12 under section 4(b)(1) and will accomplish at least one of
13 the following objectives:

14 (1) Implement measures to protect and restore
15 coral reef ecosystems.

16 (2) Develop and implement cost-effective meth-
17 ods to restore degraded coral reef ecosystems.

18 (3) Map the location and distribution of coral
19 reefs.

20 (4) Develop and implement techniques to mon-
21 itor and assess the status and condition of coral
22 reefs.

23 (5) Research factors that cause coral disease
24 and the loss of coral reefs.

1 (6) Support State and local community law en-
2 forcement efforts related to coral products and coral
3 reefs.

4 (7) Assist with conflict resolution initiatives and
5 local community outreach related to coral reefs.

6 (8) Promote ecologically sound navigation near
7 coral reefs to protect coral reef ecosystems.

8 (d) PROJECT PROPOSAL.—Any applicant for a grant
9 to carry out a coral reef conservation project shall submit
10 to the Secretary the following:

11 (1) The names of the persons responsible for
12 conducting the project and a description of their
13 qualifications.

14 (2) A description of the project.

15 (3) A description of how the project fulfills the
16 requirements of subsection (c).

17 (4) An estimate of the funds and time required
18 to complete the project.

19 (5) Evidence of support of the project by appro-
20 priate representatives of the State and local govern-
21 ment jurisdictions in which the project will be con-
22 ducted, if the project will be conducted by a non-
23 governmental partner.

1 (6) Information regarding the source and
2 amount of matching funding available to the appli-
3 cant.

4 (7) Any other information the Secretary con-
5 siders to be necessary for evaluating the eligibility of
6 the project.

7 (e) PROJECT REVIEW AND APPROVAL.—

8 (1) IN GENERAL.—(A) The Secretary shall re-
9 view and approve or disapprove each coral reef con-
10 servation project proposal submitted under this sec-
11 tion.

12 (B) The Secretary may approve a project pro-
13 posal and provide coral reef conservation assistance
14 under this section for a project only if, after review-
15 ing the proposal and any comments received pursu-
16 ant to paragraph (2), the Secretary determines that
17 the project meets the requirements of this section.

18 (2) REVIEW.—Before approving or disapproving
19 a project, the Secretary shall—

20 (A) request and consider written comments
21 on the proposal from each Federal agency,
22 State, or local government that will be affected
23 by the project or that has jurisdiction over the
24 area within which the project will be conducted,
25 including the relevant regional fishery manage-

1 ment councils established under the Magnuson-
2 Stevens Fishery Conservation and Management
3 Act (16 U.S.C. 1801 et seq.);

4 (B) provide for the merit-based peer review
5 of the proposal, require standardized docu-
6 mentation of that peer review, and consider any
7 comments or recommendations resulting from
8 such review; and

9 (C) consider the proportion of non-Federal
10 matching funds that will be used for the project
11 so as to maximize Federal grants for the great-
12 est number of meritorious projects.

13 (3) NOTIFICATION.—The Secretary shall—

14 (A) not later than 6 months after receiving
15 a project proposal under this section, provide
16 written notification of the approval or dis-
17 approval of the project to the applicant; and

18 (B) in the case of an approved project,
19 publish notice of project approval in the Federal
20 Register prior to making a grant under this
21 section for the project.

22 (f) MATCHING FUNDS.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), the Secretary may not approve a project
25 under this section unless the Secretary determines

1 that there are non-Federal contributions available to
2 cover at least 50 percent of the total cost of the
3 project. The non-Federal contribution may be made
4 in the form of in-kind contribution of goods and
5 services.

6 (2) EXCEPTION.—(A) Of amounts appropriated
7 for grants under this section, the Secretary may re-
8 serve up to 5 percent for grants for small projects
9 for which less than 50 percent of the cost will be
10 covered by non-Federal contributions.

11 (B) The Secretary may make a grant of funds
12 under this paragraph for a small project only if—

13 (i) the project is proposed by and will be
14 carried out by a local or State government;

15 (ii) the total cost of the project is less than
16 \$20,000; and

17 (iii) the Secretary determines that the
18 grantee does not have the ability to provide at
19 least 50 percent matching funds or in-kind con-
20 tributions.

21 (g) IMPLEMENTATION REGULATIONS OR GUIDE-
22 LINES.—Within 180 days after the date that the Coral
23 Reef Task Force publishes the national coral reef action
24 strategy under section 4(b)(1), the Secretary shall promul-
25 gate any regulations or guidelines necessary to implement

1 this section. In developing such regulations and guidelines,
2 the Secretary shall provide for appropriate public notice
3 and comment.

4 (h) PROJECT REPORTING.—The Secretary shall re-
5 quire that each grantee under this section submit periodic
6 reports, as the Secretary considers necessary, to document
7 and evaluate the success of coral reef conservation projects
8 funded under this Act.

9 (i) GRANT PROGRAM EFFECTIVENESS REPORT.—
10 Not later than 3 years after the date of enactment of this
11 Act, the Secretary, in consultation with the Coral Reef
12 Task Force, shall submit to the Congress a report that
13 documents the effectiveness of the grant program under
14 this section in implementing the national coral reef action
15 strategy published pursuant to section 4(b)(1). The report
16 shall include a State-by-State summary of projects funded
17 under this section and a summary of Federal and non-
18 Federal contributions toward the costs of each project.

19 **SEC. 6. CONSERVATION ACTIVITIES BY SECRETARY OF**
20 **COMMERCE.**

21 (a) IN GENERAL.—Subject to the availability of ap-
22 propriations, the Secretary may conduct activities to con-
23 serve coral reefs and coral reef ecosystems, that are con-
24 sistent with this Act, the strategy published by the Coral
25 Reef Task Force under section 4(b)(1), and the National

1 Marine Sanctuaries Act, the Coastal Zone Management
2 Act of 1972, and the Magnuson-Stevens Fishery Con-
3 servation and Management Act.

4 (b) AUTHORIZED ACTIVITIES.—Activities authorized
5 under subsection (a) include—

6 (1) mapping, monitoring, assessment, restora-
7 tion, and scientific research that benefits the under-
8 standing, sustainable use, and long-term conserva-
9 tion of coral reefs and coral reef ecosystems;

10 (2) enhancing public awareness, education, un-
11 derstanding, and appreciation of coral reefs and
12 coral reef ecosystems; and

13 (3) providing assistance to States in removing
14 abandoned fishing gear, marine debris, and aban-
15 doned vessels from coral reefs to conserve living ma-
16 rine resources.

17 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—There are authorized to be appro-
19 priated to the Secretary to carry out this Act \$14,000,000
20 for each of fiscal years 2001, 2002, 2003, and 2004.

21 (b) CORAL REEF CONSERVATION ASSISTANCE
22 GRANTS.—Amounts appropriated under subsection (a)
23 and used for coral reef conservation assistance under sec-
24 tion 5 may remain available until expended. The Secretary

1 shall ensure that coral reef conservation assistance pro-
2 vided under section 5 is distributed so that—

3 (1) not less than 40 percent of the funds avail-
4 able for each fiscal year are awarded for coral reef
5 conservation projects in the Pacific Ocean; and

6 (2) not less than 40 percent of the funds avail-
7 able for each fiscal year are awarded for coral reef
8 conservation projects in the Atlantic Ocean, the Gulf
9 of Mexico, and the Caribbean Sea.

10 (c) ADMINISTRATION.—Of the amounts appropriated
11 under subsection (a), not more than the lesser of
12 \$1,000,000, or 10 percent of the amounts appropriated,
13 may be used for program administration or for overhead
14 costs incurred by the National Oceanic and Atmospheric
15 Administration or the Department of Commerce and as-
16 sessed as an administrative charge.

17 (d) NATIONAL CORAL REEF ACTIVITIES.—Of the
18 amounts appropriated under subsection (a), no more than
19 25 percent may be used by the Secretary for activities
20 under section 6(b).

21 (e) CORAL REEF TASK FORCE.—There are author-
22 ized to be appropriated to each of the Secretary and the
23 Secretary of the Interior \$500,000 for each of fiscal years

- 1 2001 through 2004 to carry out the responsibilities of the
- 2 Coral Reef Task Force under section 4.

